

ESTTA Tracking number: **ESTTA425754**

Filing date: **08/17/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Melaleuca, Inc.
Granted to Date of previous extension	08/17/2011
Address	3910 South Yellowstone Highway Idaho Falls, ID 83402 UNITED STATES
Attorney information	Krista Weber Powell TraskBritt, P.C. 230 South 500 East Suite 300 Salt Lake City, UT 84102 UNITED STATES kwpowell@traskbritt.com, hdburton@traskbritt.com, trademark@traskbritt.com, TLPalfreyman@traskbritt.com Phone:801-532-1922

Applicant Information

Application No	85071988	Publication date	04/19/2011
Opposition Filing Date	08/17/2011	Opposition Period Ends	08/17/2011
Applicant	Vitamin Shoppe Industries Inc. 2101 91st Street North Bergen, NJ 07047 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 2001/08/31 First Use In Commerce: 2001/08/31
All goods and services in the class are opposed, namely: vitamins; vitamin, mineral, dietary and nutritional supplements

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

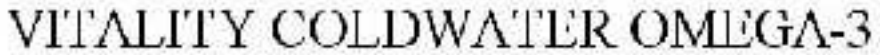
U.S. Registration No.	1706196	Application Date	06/17/1991
Registration Date	08/11/1992	Foreign Priority Date	NONE
Word Mark	VITALITY PAK		
Design Mark			


Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1989/09/00 First Use In Commerce: 1989/09/00 dietary and nutritional supplements

U.S. Registration No.	2108070	Application Date	01/14/1994
Registration Date	10/28/1997	Foreign Priority Date	NONE
Word Mark	VITALITY FOR LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 dietary and nutritional supplements, and nutritional drink mixes for use as a meal replacement Class 030. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 nutritional fiber [and bran-] based food bars		


U.S. Registration No.	2656385	Application Date	01/22/2002
Registration Date	12/03/2002	Foreign Priority Date	NONE
Word Mark	VITALITY FOR LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 Dietary [and nutritional] supplements; [nutritional drink mix for use as a meal replacement; powdered fiber-based dietary supplement drink mix; and ready to eat nutritional food bars for use as a meal replacement] Class 030. First use: First Use: 1993/09/05 First Use In Commerce: 1993/09/05 [Ready to eat nutritional fiber based food bars]		

U.S. Registration No.	3929755	Application Date	12/03/2009
Registration Date	03/08/2011	Foreign Priority Date	NONE
Word Mark	VITALITY COLDWATER OMEGA-3		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2010/01/04 First Use In Commerce: 2010/01/04 Dietary supplements containing Omega-3 fatty acids

U.S. Registration No.	4005565	Application Date	12/10/2010
Registration Date	08/02/2011	Foreign Priority Date	NONE
Word Mark	VITALITY 4		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/08/27 First Use In Commerce: 2008/08/27 Dietary and nutritional supplements		

U.S. Registration No.	4005566	Application Date	12/10/2010
Registration Date	08/02/2011	Foreign Priority Date	NONE
Word Mark	VITALITY 6		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2008/08/27 First Use In Commerce: 2008/08/27 Dietary and nutritional supplements

Attachments	76360715#TMSN.gif (1 page)(bytes) 77885651#TMSN.jpeg (1 page)(bytes) 85195482#TMSN.jpeg (1 page)(bytes) 85195486#TMSN.jpeg (1 page)(bytes) 11-08-17 Draft Notice of Opposition - JOINT VITALITY.pdf (7 pages)(94658 bytes) Exhibit 1.pdf (4 pages)(30826 bytes) Exhibit 2.pdf (4 pages)(107964 bytes) Exhibit 3.pdf (4 pages)(115604 bytes) Exhibit 4.pdf (5 pages)(117927 bytes) Exhibit 5.pdf (4 pages)(116102 bytes) Exhibit 6.pdf (4 pages)(116369 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Krista Weber Powell/
Name	Krista Weber Powell
Date	08/17/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>MELALEUCA, INC.</p> <p>Opposer,</p> <p>v.</p> <p>VITAMIN SHOPPE INDUSTRIES, INC.</p> <p>Applicants.</p>	<p>Opposition No. (_____)</p> <p>Mark: Joint Vitality</p> <p>Int'l Class: 005</p> <p>Serial No.: 85/071988</p> <p>Filed: April 25, 2010</p>
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NOTICE OF OPPOSITION

Opposer, Melaleuca, Inc. (“Melaleuca”) is a corporation organized and existing under the laws of the State of Idaho, with its principal place of business located at 3910 South Yellowstone Highway, Idaho Falls, Idaho 83402-6003. Melaleuca believes that it will be damaged by the registration of the mark appearing in pending Trademark Application Serial No. 85/071988 (the “subject mark”) of Vitamin Shoppe Industries, Inc. (“Applicant”) and hereby opposes the same.

As grounds for the present opposition, Melaleuca alleges, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters, as follows:

1. Melaleuca began using its family of VITALITY marks in interstate commerce in connection with the sale and promotion of its line of VITALITY dietary supplements at least as early as September 1989. Melaleuca has thereafter continuously used VITALITY in advertising, promoting, marketing and selling its dietary supplement products throughout the United States.

2. Since at least as early as September 1989, Melaleuca has used VITALITY, in various forms, in interstate commerce in connection with the sale and promotion of dietary and nutritional supplements.

3. Melaleuca's family of VITALITY marks which has been in use since September 1989, has included at least the following: VITALITY PAK, VITALITY PACK, VITALITY FOR MEN, VITALITY FOR WOMEN, VITALITY MINERAL COMPLEX, VITALITY CALCIUM COMPLETE, VITALITY FOR LIFE, VITALITY, VITALITY GOLD, VITALITY 4, VITALITY 6, VITALITY TOTAL, VITALITY COLDWATER OMEGA-3.

4. Melaleuca's family of VITALITY marks is inherently distinctive as applied to its dietary supplement products.

5. By virtue of Melaleuca's continuous use in commerce of its family of VITALITY marks in connection with its VITALITY line of dietary supplement products, such products have become well and favorably known to the relevant trade and public under the family of VITALITY marks.

6. Melaleuca has invested substantial time, effort and expense in extensive promotion throughout the United States of the goods sold under its VITALITY family of marks. As a result, considerable goodwill has attached to the mark VITALITY to Melaleuca's benefit.

7. The family of VITALITY marks is representative of Melaleuca's reputation for designing and providing high quality products and symbolizes the goodwill of Melaleuca, which is invaluable.

8. In addition to its common law rights, Melaleuca owns U.S. Trademark Registration No. 1,706,196 for the word mark VITALITY PAK in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the

current status and title of the registration is attached hereto as Exhibit 1), for “dietary and nutritional supplements.”

9. Melaleuca owns U.S. Trademark Registration No. 2,108,070 for the word mark VITALITY FOR LIFE in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 2), for “dietary and nutritional supplements, and nutritional drink mixes for use as a meal replacement.”

10. Melaleuca owns U.S. Trademark Registration No. 2,656,385 for the word plus design mark VITALITY FOR LIFE in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 3), for “dietary supplements.”

11. Melaleuca owns U.S. Trademark Registration No. 3,929,755 for the word mark VITALITY COLDWATER OMEGA-3 in International Class 005 (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 4), for “Dietary supplements containing Omega-3 fatty acids.”

12. Melaleuca owns U.S. Trademark Registration No. 4,005,565 for the word mark VITALITY 4 in International Class 005 for (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 5), “Dietary and nutritional supplements.”

13. Melaleuca owns U.S. Trademark Registration No. 4,005,566 for the word mark VITALITY 6 in International Class 005 for (a current printout of information from the electronic

database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 6), “Dietary and nutritional supplements.”

14. Applicant is the listed owner of the subject mark, Application Serial No. 85/071988 filed April 25, 2010, for the mark JOINT VITALITY in International Class 005 for the following goods and services: “vitamins; vitamin, mineral, dietary and nutritional supplements.”

15. Melaleuca has priority of use in the VITALITY mark. Melaleuca has continuously used the family of VITALITY marks in advertising, promoting, and marketing its dietary supplement products throughout the United States years prior to the date of Applicant’s application to register the subject mark.

16. The subject mark will be or is being used for goods that are closely related to the goods offered by Melaleuca in connection with its family of VITALITY marks.

17. Applicant’s goods would be directed to the same customer segment of the consuming public as Melaleuca’s goods.

18. The subject mark is substantially similar to Melaleuca’s family of VITALITY marks in sound, appearance, connotation, and commercial impression.

19. JOINT VITALITY is confusingly similar to Melaleuca’s family of VITALITY marks.

20. Applicant’s use of the subject mark is likely to cause confusion, mistake, or deception as to the source of origin, sponsorship, or approval of Applicant’s goods.

21. Due to the confusingly similar nature of Melaleuca’s and Applicant’s marks and the similarity of the goods offered under the respective marks, the relevant consuming public and

the consuming public generally are likely to believe that Applicant's goods are those of Melaleuca or are in some way connected with, licensed by, or otherwise approved by Melaleuca.

22. Such confusion, mistake and/or deception are likely to damage and injure the purchasing public and Melaleuca.

23. Applicant's application and use of JOINT VITALITY are without the knowledge, consent or approval of Melaleuca.

24. Based on the foregoing, Melaleuca believes that it will be damaged by the registration of the JOINT VITALITY mark in the United States Patent and Trademark Office.

ACCORDINGLY, Melaleuca prays that the present opposition be sustained and that registration of the subject mark be refused.

DATED this 17th day of August, 2011.

TRASKBRITT, P.C.
Attorneys for Melaleuca, Inc.

/Krista Weber Powell/

H. Dickson Burton
Krista Weber Powell
TRASKBRITT, P.C.
230 South 500 East, Suite 300
P.O. Box 2550
Salt Lake City, Utah 84110
Telephone: 1.801.532.1922
Facsimile: 1.801.531.9168

Enclosures: **Exhibit 1** – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 1,706,196

Exhibit 2 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 2,108,070

Exhibit 3 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 2,656,385

Exhibit 4 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 3,929,755

Exhibit 5 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 4,005,565

Exhibit 6 – a current printout of information from the electronic database records of the USPTO showing the current status and title of U.S. Trademark Registration No. 4,005,566

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of August, 2011, I electronically filed the foregoing Notice of Opposition with the United States Patent & Trademark Office Trademark Trial & Appeal Board. A copy of the foregoing was sent via U.S. mail to the following:

Vitamin Shoppe Industries Inc.
2101 91st Street
North Bergen NEW JERSEY 0704

and

Todd Braverman, Esq.
Pearl Cohen Zedek Latzer LLP
1500 Broadway, 12th Floor
New York NY 10036

A handwritten signature in black ink, appearing to read "Todd Braverman", is written over a horizontal line.

EXHIBIT 1

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-08-17 17:25:37 ET

Serial Number: 74177586 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1706196

Mark (words only): VITALITY PAK

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2002-06-07

Filing Date: 1991-06-17

Transformed into a National Application: No

Registration Date: 1992-08-11

Register: Principal

Law Office Assigned: LAW OFFICE 11

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-02-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Melaleuca, Inc.

Address:

Melaleuca, Inc.
3910 South Yellowstone Highway
Idaho Falls, ID 83402
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Idaho

GOODS AND/OR SERVICES

International Class: [005](#)

Class Status: [Active](#)

[dietary and nutritional supplements](#)

Basis: [1\(a\)](#)

First Use Date: [1989-09-00](#)

First Use in Commerce Date: [1989-09-00](#)

ADDITIONAL INFORMATION

Disclaimer: ["PAK"](#)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: [Z1230512](#)

International Registration Number: [0820891](#)

International Registration Date: [2004-03-09](#)

Original Filing Date with USPTO: [2004-03-09](#)

International Registration Status: [Application For IR Registered By IB](#)

Date of International Registration Status: [2004-04-08](#)

International Registration Renewal Date: [2014-03-09](#)

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

[04-12-2004 - 08:08:07 - Application For IR Registered By IB](#)

[03-10-2004 - 16:15:45 - Manually Certified](#)

[03-10-2004 - 13:50:49 - New Application For IR Received](#)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2008-02-06 - Case File In TICRS](#)

[2002-06-07 - First renewal 10 year](#)

[2002-06-07 - Section 8 \(10-year\) accepted/ Section 9 granted](#)

[2002-04-03 - Combined Section 8 \(10-year\)/Section 9 filed](#)

[1997-09-15 - Section 8 \(6-year\) accepted & Section 15 acknowledged](#)

[1997-08-25 - Section 8 \(6-year\) and Section 15 Filed](#)

[1992-08-11 - Registered - Principal Register](#)

[1992-05-19 - Published for opposition](#)

1992-04-17 - Notice of publication

1992-01-23 - Approved for Pub - Principal Register (Initial exam)

1991-11-29 - Communication received from applicant

1991-10-10 - Non-final action mailed

1991-09-18 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jay H. Geller

Correspondent

Kimberly Sharp

Melaleuca of Canada, Inc.

3910 South Yellowstone Hwy

Idaho Falls, IN 83402-6003

EXHIBIT 2

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-08-17 17:30:50 ET

Serial Number: 74480267 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2108070

Mark (words only): VITALITY FOR LIFE

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2007-10-31

Filing Date: 1994-01-14

Transformed into a National Application: No

Registration Date: 1997-10-28

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-10-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [MELALEUCA, INC.](#)

Address:

[MELALEUCA, INC.](#)

[3910 South Yellowstone Highway](#)

[Idaho Falls, ID 834026003](#)

[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Idaho](#)

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

dietary and nutritional supplements, and nutritional drink mixes for use as a meal replacement

Basis: 1(a)

First Use Date: 1993-09-05

First Use in Commerce Date: 1993-09-05

International Class: 030

Class Status: Active

nutritional fiber based food bars

Basis: 1(a)

First Use Date: 1993-09-05

First Use in Commerce Date: 1993-09-05

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-10-31 - First renewal 10 year

2007-10-31 - Section 8 (10-year) accepted/ Section 9 granted

2007-10-31 - Assigned To Paralegal

2007-10-19 - TEAS Section 8 & 9 Received

2007-03-12 - Case File In TICRS

2004-01-08 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-10-27 - Section 8 (6-year) and Section 15 Filed

2003-10-28 - TEAS Section 8 & 15 Received

2002-02-11 - Cancellation terminated for Proceeding

2002-02-11 - Cancellation dismissed for Proceeding

1998-07-09 - Cancellation Instituted No. 999999

1997-10-28 - Registered - Principal Register
1997-09-09 - Opposition terminated for Proceeding
1997-09-09 - Opposition dismissed for Proceeding
1995-10-03 - Opposition instituted for Proceeding
1995-07-26 - Extension Of Time To Oppose Received
1995-06-27 - Published for opposition
1995-05-26 - Notice of publication
1995-02-06 - Approved for Pub - Principal Register (Initial exam)
1994-12-08 - Communication received from applicant
1994-06-08 - Non-final action mailed
1994-05-30 - Assigned To Examiner
1994-05-30 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

Tyrie Barrott
MELALEUCA INC
3910 S YELLOWSTONE HWY
IDAHO FALLS, ID 83402-6003

EXHIBIT 3

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-08-17 17:33:37 ET

Serial Number: 76360715 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2656385

Mark



(words only): [VITALITY FOR LIFE](#)

Standard Character claim: No

Current Status: [A partial Section 8 declaration has been accepted.](#)

Date of Status: [2009-01-09](#)

Filing Date: [2002-01-22](#)

Transformed into a National Application: No

Registration Date: [2002-12-03](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 105](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [830 -Post Registration](#)

Date In Location: [2009-01-09](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [Melaleuca, Inc.](#)

Address:

[Melaleuca, Inc.](#)
[3910 S. Yellowstone Highway Attn: Legal Department](#)
[Idaho Falls, ID 83402](#)
[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Idaho](#)

Phone Number: [208-522-0700](#)

Fax Number: [208-528-2063](#)

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

Dietary supplements;

Basis: 1(a)

First Use Date: 1993-09-05

First Use in Commerce Date: 1993-09-05

International Class: 030

Class Status: Section 8 - Cancelled

Basis: 1(a)

First Use Date: 1993-09-05

First Use in Commerce Date: 1993-09-05

ADDITIONAL INFORMATION

Design Search Code(s):

02.01.31 - Men, stylized, including men depicted in caricature form

02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures

02.09.05 - Humans, including men, women and children, depicted running; Running, humans

02.09.12 - Flying, humans (self-propelled); Humans, including men, women and children, depicted flying (self-propelled)

26.01.02 - Circles, plain single line; Plain single line circles

26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

Prior Registration Number(s):

1919209

2108070

MADRID PROTOCOL INFORMATION

USPTO Reference Number: Z1230513

International Registration Number: 0820887

International Registration Date: 2004-03-09

Original Filing Date with USPTO: 2004-03-09

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2004-04-08

International Registration Renewal Date: 2014-03-09

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

08-11-2005 - 22:01:28 - Subsequent Designation Processed By IB

05-27-2005 - 16:00:26 - Subsequent Designation Sent To IB

05-26-2005 - 18:28:53 - Subsequent Designation Received

04-12-2004 - 08:07:45 - Application For IR Registered By IB

03-10-2004 - 13:52:41 - Manually Certified

03-10-2004 - 11:42:00 - New Application For IR Received

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-01-09 - Section 15 acknowledged
2009-01-09 - Partial Section 8 (6-year) accepted
2008-11-26 - Section 8 (6-year) and Section 15 Filed
2008-12-01 - Assigned To Paralegal
2008-11-26 - TEAS Section 8 & 15 Received
2008-07-16 - Case File In TICTRS
2002-12-03 - Registered - Principal Register
2002-09-10 - Published for opposition
2002-08-21 - Notice of publication
2002-06-15 - Approved for Pub - Principal Register (Initial exam)
2002-04-30 - Communication received from applicant
2002-05-03 - PAPER RECEIVED
2002-04-23 - Non-final action mailed
2002-04-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

MELALEUCA, INC.
3910 S. YELLOWSTONE HIGHWAY
IDAHO FALLS, ID.83402
Phone Number: 208-522-0700
Fax Number: 208-528-2063

EXHIBIT 4

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-08-17 17:35:21 ET

Serial Number: 77885651 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3929755

Mark

VITALITY COLDWATER OMEGA-3

(words only): [VITALITY COLDWATER OMEGA-3](#)

Standard Character claim: Yes

Current Status: [Registered](#). The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: [2011-03-08](#)

Filing Date: [2009-12-03](#)

Transformed into a National Application: No

Registration Date: [2011-03-08](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 117](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [650 -Publication And Issue Section](#)

Date In Location: [2011-02-01](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [Melaleuca, Inc.](#)

Address:

Melaleuca, Inc.
Attn: Legal Department 3910 S. Yellowstone Hwy.
Idaho Falls, ID 83402
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Idaho**Phone Number:** 208-522-0700**Fax Number:** 208-534-2063

GOODS AND/OR SERVICES

International Class: 005**Class Status:** Active

Dietary supplements containing Omega-3 fatty acids

Basis: 1(a)**First Use Date:** 2010-01-04**First Use in Commerce Date:** 2010-01-04

ADDITIONAL INFORMATION

Disclaimer: "OMEGA-3" AND "COLDWATER"**Prior Registration Number(s):**

3096604

3107829

3272075

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-03-08 - Registered - Principal Register

2011-02-02 - Notice Of Acceptance Of Statement Of Use E-Mailed

2011-02-01 - Law Office Registration Review Completed

2011-01-28 - Assigned To LIE

2011-01-28 - Allowed for Registration - Principal Register (SOU accepted)

2011-01-27 - Statement Of Use Processing Complete

2011-01-04 - Use Amendment Filed

2011-01-27 - Case Assigned To Intent To Use Paralegal

2011-01-04 - TEAS Statement of Use Received

2011-01-04 - NOA E-Mailed - SOU Required From Applicant

2010-11-09 - Notice Of Publication E-Mailed

2010-11-09 - Published for opposition

2010-10-03 - Law Office Publication Review Completed

2010-09-28 - Approved For Pub - Principal Register

2010-09-28 - Examiner's Amendment Entered

2010-09-28 - Notification Of Examiners Amendment E-Mailed

2010-09-28 - EXAMINERS AMENDMENT E-MAILED

2010-09-28 - Examiners Amendment -Written

2010-09-28 - Previous Allowance Count Withdrawn

2010-09-17 - Withdrawn From Pub - Og Review Query

2010-09-08 - Law Office Publication Review Completed

2010-09-08 - Assigned To LIE

2010-08-25 - Approved For Pub - Principal Register

2010-08-25 - Examiner's Amendment Entered

2010-08-25 - Notification Of Examiners Amendment E-Mailed

2010-08-25 - EXAMINERS AMENDMENT E-MAILED

2010-08-25 - Examiners Amendment -Written

2010-02-25 - Notification Of Non-Final Action E-Mailed

2010-02-25 - Non-final action e-mailed

2010-02-25 - Non-Final Action Written

2010-02-19 - Assigned To Examiner

2009-12-12 - Notice Of Pseudo Mark Mailed

2009-12-11 - New Application Office Supplied Data Entered In Tram

2009-12-07 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

MELALEUCA, INC.

MELALEUCA, INC.

3910 S YELLOWSTONE HWY

IDAHO FALLS, ID 83402-6003

Phone Number: 208-522-0700

Fax Number: 208-534-2063

EXHIBIT 5

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-08-17 17:36:32 ET

Serial Number: 85195482 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 4005565

Mark

VITALITY 4

(words only): [VITALITY 4](#)

Standard Character claim: Yes

Current Status: [Registered](#). The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: [2011-08-02](#)

Filing Date: [2010-12-10](#)

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: [2011-08-02](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 106](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [650 -Publication And Issue Section](#)

Date In Location: [2011-08-02](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [Melaleuca, Inc.](#)

Address:

[Melaleuca, Inc.](#)

[Attn: Legal Department 3910 S. Yellowstone Hwy.](#)

[Idaho Falls, ID 83402](#)

[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Idaho](#)

Phone Number: [208-522-0700](#)

Fax Number: [208-534-2063](#)

GOODS AND/OR SERVICES

International Class: [005](#)

Class Status: [Active](#)

[Dietary and nutritional supplements](#)

Basis: [1\(a\)](#)

First Use Date: [2008-08-27](#)

First Use in Commerce Date: [2008-08-27](#)

ADDITIONAL INFORMATION

Disclaimer: ["4"](#)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2011-08-02 - Registered - Principal Register](#)

[2011-05-17 - Notice Of Publication E-Mailed](#)

[2011-05-17 - Published for opposition](#)

[2011-04-09 - Law Office Publication Review Completed](#)

[2011-04-09 - Assigned To LIE](#)

[2011-03-28 - Approved for Pub - Principal Register \(Initial exam\)](#)

2011-03-15 - Teas/Email Correspondence Entered
2011-03-15 - Communication received from applicant
2011-03-15 - TEAS Response to Office Action Received
2011-03-15 - Notification Of Non-Final Action E-Mailed
2011-03-15 - Non-final action e-mailed
2011-03-15 - Non-Final Action Written
2011-03-14 - Assigned To Examiner
2010-12-16 - Notice Of Pseudo Mark Mailed
2010-12-15 - New Application Office Supplied Data Entered In Tram
2010-12-14 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

MELALEUCA, INC.
MELALEUCA, INC.
3910 S YELLOWSTONE HWY
IDAHO FALLS, ID 83402-6003
Phone Number: 208-522-0700
Fax Number: 208-534-2063

EXHIBIT 6

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-08-17 17:37:17 ET

Serial Number: 85195486 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 4005566

Mark

VITALITY 6

(words only): [VITALITY 6](#)

Standard Character claim: Yes

Current Status: [Registered](#). The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: [2011-08-02](#)

Filing Date: [2010-12-10](#)

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: [2011-08-02](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 106](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [650 -Publication And Issue Section](#)

Date In Location: [2011-08-02](#)

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[Idaho Falls, ID 83402](#)

[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Idaho](#)

Phone Number: [208-522-0700](#)

Fax Number: [208-534-2063](#)

GOODS AND/OR SERVICES

International Class: [005](#)

Class Status: [Active](#)

[Dietary and nutritional supplements](#)

Basis: [1\(a\)](#)

First Use Date: [2008-08-27](#)

First Use in Commerce Date: [2008-08-27](#)

ADDITIONAL INFORMATION

Disclaimer: ["6"](#)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

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2010-12-14 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

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